

NEBRASKA STATE BOARD OF HEALTH MEETING

MINUTES – September 21, 2015

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Wayne Stuberg, PhD, PT, at 1:00 PM on September 21, 2015 in Conference Room 1-2 of the Beatrice Community Hospital and Health Center in Beatrice. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Russell Hopp, DO Diane Jackson, APRN; Teresa Konda, PE; Kevin Low, DDS; Dale Michels, MD; Debra Parsow, Public Member; Paul Salansky, OD; Wayne Stuberg, PhD, PT; Travis Teetor, MD; James Trebbien, Public Member; Doug Vander Broek, DC; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

Members not in attendance: Tony Moravec, DVM; Roger Reamer, MBA

Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Kevin Griess, Marla Scheer

APPROVAL OF AGENDA. Dr. Stuberg asked if there were any changes to the agenda for the meeting today. Dr. Hopp made a motion to approve the agenda; second by Dr. Michels. There being no objections, the agenda was approved by consent calendar.

APPROVAL OF MINUTES. Dr. Stuberg asked if there were any changes to the minutes from the June 22, 2015 meeting. Dr. Teetor made a motion to approve the minutes as presented, seconded by Dr. Salansky. The approved minutes will be posted on the DHHS website.

CHAIRPERSON'S REPORT. Dr. Stuberg reported on the following:

WELCOME. Tom Sommers, CEO of Beatrice Community Hospital and Health Center, was out on medical leave, so Dr. John Findley welcomed the Board of Health. In addition to the meeting today, they provided space for the Professional Boards Committee to conduct interviews yesterday. This morning Diane Vicars, Marketing Director, gave Board of Health members a tour of their new facility. They already have an expansion project underway for a Women's and Children's Clinic and the Infusion Center will relocate there.

PRESENTATION FROM PUBLIC HEALTH SOLUTIONS. Jane Ford Witthoff, Director, presented on this health department which covers the counties of Fillmore, Gage, Jefferson, Saline and Thayer. The major issues and problems they have include the following:

- High cancer prevalence and mortality because of low screening rates
- High rates of obesity
- Low rates of immunizations, particularly among adults (influenza, pertussis, pneumonia, HPV)
- Unintentional injuries due to auto accidents and falls
- Binge drinking

They recently launched a new website which includes a resource directory and community calendar. They also recently launched a Veterans Network of Care.

They would appreciate Board of Health support for LR257 regarding funding. This resolution is already on the Board of Health tracking list.

CHAIRPERSON'S REPORT. Dr. Michels reported on the following:

1. Has anyone attended any professional board meetings that they would like to report on?
 - Ms. Jackson attend the Board of Nursing meeting on July 9th. They dealt with a lot of disciplinary issues.
 - Dr. Salansky attended the Board of Athletic Training on July 20th.
 - Dr. Borchert attended the Board of Pharmacy meeting on July 13th. They discussed the issue of Emergency Rooms distributing prescription medications to patients without having the actual prescription.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made. I want to stress that we are guests at the professional board meetings. We don't sit at the main table, and we don't vote. And as liaisons, we only want to attend 1 or 2 meetings per year.

2. Staff changes at DHHS continue. I'm sure you've seen the press releases. Karen Bowen from Nursing had her last day just last Thursday. No one has been hired yet to fill the Chief Medical Officer / Director of Public Health position. Courtney Phillips has started as CEO. Disciplinary cases are being handled by CEO Phillips and Dr. Safranek. The Governor has put any appointments or reappointments to the Board of Health on hold until there is a new Director in place.
3. We appreciate the hospitality today of Beatrice Community Hospital and Health Center. If anyone has any suggestions for 2016, let me know.
4. We will hear later from the Professional Boards Committee. They are looking for good public members to fill positions on seven boards. Think about where you might be able to reach out to individuals who may be interested in serving. Public members may not hold a professional credential issued by DHHS.
5. In June we had asked for someone from Legal and the AG to address the board at the November 16 meeting about complaints and investigations. Kevin Griess has a conflict on that date (the Board of Pharmacy is also meeting that day), but he will try to get one of his colleagues to fill in.

COMMITTEE REPORTS.

Rules and Regulations Committee – Dr. Borchert, Committee Chair, reported.

There are no proposed rules and regulations for action at this Board of Health meeting. There are five sets of proposed rules and regulations which will soon come before the Board of Health for review and/or approval, including regulations for: Health/Laboratory Services; Communicable Diseases – School Health Screenings, Physical Exams & Visual Exams; Control of Radiation; and Special Health Programs – Metabolic Foods Program. Regulations for the Credentialing Review Program became effective on July 5, 2015.

Credentialing Review (407) Committee – Ms. Parsow, Committee Chair, presented a status report on pending reviews.

Surgical First Assistants. This proposal seeks to license surgical first assistants who have obtained a level of education, training, and examination in Nebraska as determined by DHHS. This proposal also requests creation of a mandatory registry with a competency assessment requirement for surgical technologists. The full text of this proposal can also be found under the Surgical First Assistant topic area of the credentialing review program link at http://dhhs.ne.gov/Pages/reg_admcr.aspx. The Board of Health's Credentialing Review Committee met on September 10, 2015 to review the Technical Review Committee's (TRC) report on the Surgical First Assistants' Proposal.

Ms. Jackson provided an overview of the work of the TRC. She explained that the core issue of this review is whether surgical first assistants should be licensed to perform suturing procedures. Only physicians, advanced practice nurses, and physician assistants are currently allowed to perform suturing procedures. There are approximately fifteen surgical first assistants in Nebraska at this time.

John Lindsay, JD, Nebraska Ambulatory Surgical Centers, stated that they object to the second part of the proposal and expressed concern that the surgical technology component of the proposal would restrict access to, and increase the cost of, surgical services because of the added costs for additional training for these technicians. He added that they are not aware of any complaints or issues with patient safety. They are not opposed to having a registry, just the issue with set criteria.

Ms. Parsow made a committee motion to approve this report. Voting yes: 13 (Borchert, Fleming, Hopp, Jackson, Konda, Low, Michels, Parsow, Salansky, Stuber, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 2 (Hopp, Michels). Motion carried. The full report will now go to the CEO of the Department of Health and Human Services.

Ms. Parsow gave a general progress report on completing the dental auxiliaries technical review. Surgical Technologists will likely be the next review to start. Dr. Vander Broek volunteered to serve as Chair for the Technical Review Committee. Other possible reviews include: Dry Needling, Cardiovascular Lab Technologists, Midwives, Homeopathy, and Dialysis Technicians.

Professional Boards Committee. Dr. Michels, Committee Chair, reported. He thanked the Committee members for conducting interviews on a Sunday, September 29th at Beatrice Community Hospital and Health Center. Committee members conducted 6 interviews and reviewed applications for appointments to 27 professional boards. Additional interviews will be conducted all day on October 25th in Lincoln and the morning of November 16, 2015 in Lincoln for those positions still under consideration or open for recruitment.

Board of Advance Practice Registered Nurses:

Reappoint Stephen Jackson, MPH of Omaha to the Public Member term of 12/1/2015-11/30/2020.

Board of Alcohol and Drug Counseling:

Appoint Ian Lemmer, BS of Fremont to the Public Member term of 12/1/2015-11/30/2020.

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art:

Reappoint Melanie Judkins of Omaha to the Body Art Practitioner Member term of 12/1/2015-11/30/2020.

Reappoint Bridget Anderson of Lincoln to the Public Member term of 12/1/2015-11/30/2020.

Board of Hearing Instrument Specialists:

Reappoint Michael Pierce of Lincoln to the Public Member term of 12/1/2015-11/30/2020.

Board of Medical Nutrition Therapy:

Reappoint Jean Guest, PhD, RD, LMNT of Lincoln to the Physician Member term of 12/1/2015-11/30/2020.

Board of Medical Radiography:

Reappoint Brandon Holt, BSRT, (R)(ARRT) of Lexington to the Medical Radiographer Member term of 12/1/2015-11/30/2020.

Board of Mental Health Practice:

Reappoint Thomas Maxson, MS, LIMHP, LADC, SAP of Kearney to the Licensed Mental Health Practitioner Member term of 12/1/2015-11/30/2020.

Reappoint Terrance Moore, MSW, CMSW, LIMHP of Omaha to the Certified Master Social Worker Member term of 12/1/2015-11/30/2020.

Board of Nursing:

Reappoint Janet Andrew, LPN-C, of Auburn to the Practical Nurse Member term of 12/1/2015-11/30/2020.

Reappoint Wendy Kalhoff, RN, of Columbus to the Staff Nurse - Acute Member term of 12/1/2015-11/30/2020.

Board of Nursing Home Administration:

Reappoint Alexander Wilford, NHA of Grand Island to the Nonprofit Home Member term of 12/1/2015-11/30/2020.

Reappoint Amy Fish, NHA of Lincoln to the Proprietary Home Member term of 12/1/2015-11/30/2020.

Reappoint Karen Jones of Elkhorn to the Public Member term of 12/1/2015-11/30/2020.

Board of Optometry:

Reappoint Jeffrey Pape, OD of Norfolk to the Optometrist Member term of 12/1/2015-11/30/2020.

Board of Pharmacy:

Reappoint Kenneth Saunders, RP, PharmD, TTS, of Omaha to the Pharmacist Member term of 12/1/2015-11/30/2020.

Board of Podiatry:

Reappoint Torrey Rassfeld, DPM, C.PED, FACFAOM of Lincoln to the Podiatrist Member term of 12/1/2015-11/30/2020.

Board of Veterinary Medicine and Surgery:

Reappoint Micah Kohles, DVM, MPA of Palmyra to the Veterinarian member term of 12/1/2015-11/30/2020.

Dr. Michels made a committee motion to approve these 18 appointments, and offered the option to vote individually on an appointment. Voting yes to approve all proposed appointments: 15 (Borcher, Fleming, Hopp, Jackson, Konda, Low, Michels, Parsow, Salansky, Stuberg, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

There are still several professional and public member positions with no applicants.

Public Health, Education and Legislation Committee: Mr. Fleming, Committee Chair, presented.

1. 2015 Interim Studies of interest to the Board of Health:

- LR 185 (Crawford) Examine issues faced by Nebraska's licensed mental health practitioners, doctoral-level graduate students, nurses, and psychiatrists.
- LR2 31 (Howard) Examine the effectiveness of the prescription drug monitoring program currently housed within the Nebraska Health Information Initiative.
- LR 249 (Coash) Examine the use of seclusion in public and private schools for children with behavioral issues or special needs.
- LR 250 (Campbell) Examine issues under the jurisdiction of the Health and Human Services Committee.

- LR 257 (Kuehn) Examine how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions. HEARING scheduled for Dec 1, 2015.
 - LR 314 (Kolowski) Examine issues relating to the use of restraint and seclusion techniques in Nebraska schools. HEARING held Sep 10, 2015.
2. Public Health Recognition Program
 - Dr. Michels presented the Fuel Up to Play 360 program recognition on July 30th at a dairy farm near Rising City. DHHS issued a news release.
 - Remember to nominate any worthy organizations for a public recognition.
 - Webpage <http://dhhs.ne.gov/publichealth/Pages/PublicHealthRecognitions.aspx>
 3. The January PHEL Committee conference call to review introduced legislative bills is scheduled for January 21, 2016 at 1:00 PM. The tentative session start date is January 6th and Day 10 in January 20th.
 4. We will again host a Legislative Luncheon for senators on the Health and Human Services legislative committee. It will be on January 25, 2016 at the Nebraska State Capitol Building. Board of Health members pay for their own meals, and share the cost of invited guests. Staff pay for their own meals.

UNFINISHED BUSINESS.

- # Board of Health Constitution. Introduced at June 22nd meeting. Voting yes to approve all proposed appointments: 15 (Borcher, Fleming, Hopp, Jackson, Konda, Low, Michels, Parsow, Salansky, Stuberg, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.
- Dry Needling Issue. The September 14th letter from CEO Courtney Phillips was discussed. Dr. Vander Broek reviewed the chronology of this issue. DHHS Attorney Kevin Griess explained the difference in an Attorney General Opinion versus a professional board opinion. Dr. Stuberg made a motion to send a letter to CEO Phillips requesting that an Attorney General Opinion be requested by DHHS on whether the procedure of dry needling is within the current scope of practice of physical therapists, and what is the role and authority of a professional board regarding determining whether a procedure is within a profession's scope of practice. Voting yes: 14 (Borcher, Fleming, Hopp, Jackson, Konda, Low, Michels, Parsow, Salansky, Stuberg, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 1 (Parsow). Motion carried. Dr. Stuberg will draft the letter and share it with the Executive Committee for review.

NEW BUSINESS.

- Election of Board of Health officers will occur at the next meeting. Let Monica know if you would like to have your name on the ballot. Committee preference sheets for 2016 will also be

sent out.

- Nebraska's Health Ranking. Dr. Stuber recently met with the UNMC Dean of Public Health Dr. Ali Khan. Nebraska is now ranked #10 in the country, based on data through 2014. Nebraska has a high rate of immunizations, but also high rates of obesity, diabetes and binge drinking. Click here for more information:
<http://dhhs.ne.gov/publichealth/Documents/2014%20SHIP%20Annual%20Report.pdf> or <http://www.americashealthrankings.org/NE>. According to the 2013-2016 Nebraska State Health Improvement Plan (SHIP), these are the five priority areas in Nebraska:
 - Reduce heart disease and stroke morbidity, mortality and associated risk factors.
 - Reduce cancer morbidity, mortality and associated risk factors.
 - Expand health promotion capacity to deliver public health prevention programs and policies across the lifespan.
 - Improve integration of public health, behavioral health, and health care services.
 - Expand the capacity to collect, analyze and report health data.
- AG Letter re North Carolina Regulatory Boards. This letter was distributed to all professional boards in Nebraska. It explains that a "Cease and Desist" order made by a professional board could be invalidated, but Mr. Griess explained that the Supreme Court's opinion largely does not affect our professional boards in Nebraska.
- 2016 meeting dates: January 25, March 14, June 20, September 19, and November 14. (*Please note, the March meeting date was originally March 21, but changed to March 14.*)

PUBLIC COMMENTS. None.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be November 16, 2015 at the State Office Building in Lincoln.

ADJOURN. There being no further business, the meeting adjourned at 2:39 PM. Minutes taken by Monica Gissler.

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If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.